UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AC SPECIALISTS, INC. :

Respondent,

and : Case No. 12-CA-076395

UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL UNION NO. 123.

:

Charging Party. :

CHARGING PARTY'S MOTION TO STRIKE

Charging Party United Association Local 123 moves to strike Respondent's exceptions to the Administrative Law Judge's Decision to the extent they contain factual statements that are outside of the record in this case. Specifically, last sentence of page 5 of the Employer's exceptions to the Decision of the Administrative Law Judge states that: "Notably, however, A.C. Specialists has already satisfied the vast majority of these requirements, as it has (1) offered reinstatement to Stahl; (2) provided backpay to both Noel and Gordon; (3) agreed to recognize and bargain with the Union; and (4) posted and mailed an analogous notice in connection with the ancillary Section 10(j) proceeding before the district court." There is no record support for any of these statements except for the second clause. The employer provided backpay to both Noel and Gordon. Accordingly, the Charging Party moves that these other statements that lack record support be stricken from the record.

Respectfully submitted,

DATED: November 26, 2012 By: /s/Brian A. Powers

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